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## MISCELLANY.

LEGAL EDUCATION IN ENGLAND.—The *London Law Times* is always independent in its discussion of the bench and bar of England, and it always hits the nail, when writing about a wrong. In the extract quoted hereinafter, it discusses the subject of legal education in England, which is not up to the standard prevailing in the United States, as has been often acknowledged by the leaders of the bench and bar, particularly Lord Russell. American legal journals are not always so outspoken upon these subjects. This is what the *Times* says:

“We regret that in criticising Lord Russell’s recent contribution to the literature upon the subject of legal education, the *Times* has countenanced the heresy that lawyers may become efficient without systematic training.

“Doubtless there was a time when study was more rife among judges and practising barristers, and when barristers’ chambers were really schools of law, both in theory and practice, in which great lawyers were evolved wholly independent of any scheme of education. Lectures were unknown, yet law was studied. The old special pleaders and conveyancers taught their pupils. There were chancery and common law chambers affording a liberal education. It is otherwise now. Ignorance—we say it with regret—is on the increase. Each case is ‘got up.’ The law is ‘looked up’ generally in digests. One result is that anybody can be made a judge and learn his law by being persistently overruled on appeal. The records of the Courts of Appeal are like a battlefield. Slain judges lie all over the place. They entered the arena unarmed.

“It is fatal to underestimate the uses of a sound legal education. We do not want German philosophers and jurists, but we do want lawyers with a competent knowledge of their own and other systems of law. Therefore, we must have a teaching university in our inns of Court or a faculty of law in an existing university outside. At present we spend seven thousand pounds a year upon a system which is confessedly defective. Perhaps the best plan would be to get rid of it, and then to consider whether lawyers shall be left to educate themselves at the expense of their clients, and to learn how to be judges at the cost of the country and the suitors.”—*National Corporation Reporter*.

WORK OF THE VIRGINIA LAW SCHOOLS FOR 1897-8.—The Virginia bar should feel a just pride in the Virginia law schools. The small proportion of the graduates which they send out each year is in striking contrast with many of the law schools of the country—whose efforts seem to be to graduate as many as possible—thus attesting the high standard exacted by our own law schools. We hope to see this standard rigidly maintained.

During the session just ended there were 45 students enrolled in the Law Department of Richmond College, 44 of whom were from the State of Virginia. Six of these held academic degrees. There were nine graduates.

At Washington and Lee University there were 45 matriculates in the Law School, 21 of whom were from Virginia. Eight held academic degrees,

and 18 were graduated with the degree of Bachelor of Laws. The course of study in this school has been recently much enlarged, and several special lecturers have been added to the teaching force. The new curriculum is a most attractive one. Robert M. Hughes, Esq., of Norfolk, will deliver a course of ten lectures on Admiralty Law; W. C. Preston, Esq., of Richmond, six lectures on Conveyancing; and Paul M. Penick, Esq., of Lexington, six lectures on Fiduciary Accounts and Reports of Commissioners in Chancery. President William L. Wilson will also lecture on the History of Representative Government.

Both of these schools offer a two years' course, but students may stand for graduation in a single year.

At the Law School of the University of Virginia there were 124 students in attendance. Of these 60 were from Virginia, and 24 held academic degrees. There were 18 graduates. Hereafter no student will be allowed to stand for graduation who has not attended for two full years, except that students who have successfully completed one year's work at other approved law schools may be admitted to advanced standing by passing entrance examinations on the subjects for which they desire credit. The Law Department is now more comfortably provided for than ever before in its history. In addition to lecture rooms, there is a large, well-equipped library and working room, set apart for the exclusive use of the students of that department. One feature of the instruction at the University, to which more and more attention is being devoted, is in the work of the Moot Court, and, incidental thereto, thorough instruction in handling law books and in brief-making; so that the student is able when he goes to the bar to investigate legal questions, and to present his facts and authorities, with intelligence and skill.

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**MOTION FOR A NEW TRIAL.**—It is no longer necessary to make a motion for a new trial in the trial court in order to take a case to the Court of Appeals. A case may now be carried up on *any ruling* of the trial court provided objection be made in the trial court, and the objection be properly made a part of the record. Acts 1897-'98, page 754. This changes the law as announced in *Newberry v. Williams*, 89 Va. 298; *Central Land Co. v. Obenchain*, 92 Va. 130; *Bridgewater v. Allemon*, 93 Va. 542, and *Norfolk v. Pollard*, 94 Va. 279. For this piece of good legislation we are mainly indebted to the Virginia State Bar Association. The Act is short but seems to accomplish the end desired. It is as follows:

"Be it enacted by the General Assembly of Virginia, That the failure to make a motion for a new trial in any case in which an appeal, writ of error, or supersedeas lies to a higher court shall not be deemed a waiver of any objection made during the trial, if such objection be properly made a part of the record."

The Act took effect March 3, 1898.

M. P. B.

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**ASSUMPSIT ON SEALED INSTRUMENTS.**—By an act passed by the last legislature it is declared "that in any case in which an action of *covenant* will lie, there may be maintained an action of *assumpsit*." Acts 1897-'8, p. 103. This act is evidently modelled after sec. 2901 of the Code, which declares that "in any case, in which an action of trespass will lie, there may be maintained an action of trespass on the case." In trespass and trespass on the case the nature of the actions was

the same, the general issue the same, and the character of the judgment the same. No violence was done then by enacting that wherever *trespass* would lie *case* might be maintained. But not so with the recent act of Assembly. The general issue in covenant is *non est factum*, in *assumpsit* it is *non assumpsit*. What may be given in evidence under the one plea is very limited, under the other, with few exceptions, anything may be given in evidence which shows that the defendant is not liable for the amount sued for. If *assumpsit* is brought it is presumed that the pleading will follow the nature of the action brought, and, though the instrument in suit be sealed, the plea would be *non assumpsit*, with liberty to prove anything that might be given in evidence under a like plea on an unsealed instrument. If this be true, then we no longer have any use for pleas in the nature of special set-offs under the act of 1831, now sec. 3299 of the Code. But is this the proper construction of the act? The Court of Appeals alone can authoritatively answer. The act is noticed editorially in 3 Va. Law Reg. 829. M. P. B.

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THE FOSTERING MOTHER.

A poem delivered June 14, 1898, at the inauguration of the new buildings of the University of Virginia, replacing those destroyed by fire October 27, 1895.

By ARMISTEAD C. GORDON.

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"And ye shall know the Truth and the Truth shall make you free."—John viii. 32.

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The dawn of summer breaks in beauty o'er her,  
 Crowned Queen, and seated on her throne once more ;  
 Gather again her children to adore her,—  
 To hail her soul-compelling as of yore,  
 Where she sits girdled with an olden glory,  
 Turning the latest page of her illumined story:—

An open book that he who runs may read,—  
 Annals of patience, courage, sacrifice,  
 Blazoned with lofty thought and splendid deed,  
 Science and song and battle's great emprise ;  
 Scroll of the intellect's majestic sway ;  
 Scripture of hope and faith that shall not fade away.

One name, before which none in all time ever  
 Hath been or shall be, shining there is writ :—  
 Worker of Revolutions, mighty giver  
 Of Freedom's Charter, and the Voice of it.  
 When kingdoms shake, and iron empires fall,  
 Through multitudinous time shall ring the clarion call

Of the eternal lesson that he taught :—  
 "The gift of God is Freedom." Never gift,  
 In all the ages with His promise fraught,  
 Hath been bestowed like this one to uplift  
 Mortality to godhood, and to light  
 Man's pathway through the years till Time be put to flight.

It is the gift of God. Philosophy  
Might not devise it ; art might never limn  
Its beauty ; in the realm of poesy,  
It were undreamed of, were it not of Him.  
Science, whose feet are with the lightnings shod,  
Had never found it ; for it is the gift of God.

And when the nations arm them for the fray  
With hearts of fire and force of triple steel,  
To test the durance on some fateful day  
Of Tyranny or Freedom, they shall feel—  
Whether on blood-drench'd sod or wand'ring wave,—  
The conquest theirs who know its sov'reign strength to save.

Let us rejoice then that upon her scroll,—  
Whereon our Mother reads the unfettered creed,  
The sacrificial courage of the soul,  
The untrammelled thought that works the deathless deed,—  
Is written first, to last through latest years,  
This gift of God, though gained with immemorial tears.

Teaching the lesson of that morning Voice  
To all her children, peace encompassed her,  
Till dawned a day in springtime, when the choice :  
"Death or Dishonor!" made her pulses stir  
In scorn of life dishonored. "For the Truth  
Go forth and die!" she said to her immortal youth.

The drum beat, and they answered. As they stood  
In the forefront of war, a sacred band,  
And poured the red libation of their blood  
At Freedom's altar for their native land,  
The stricken Mother wrote in words of flame ;  
"For Truth's most holy cause," o'er each resplendent name.

For Truth and Freedom ! Not the nameless dead,  
Who through the centuries by the Grecian sea  
Sleep in the narrow pass they kept, shall shed  
A nobler lustre upon Liberty  
Than these heroic hearts to whom she taught  
That Spartan fortitude is born of Spartan thought.

Fronting defeat, she heard the drumbeat cease,—  
She heard the cannonading die away.—  
Counting her graves beneath the star of peace,  
With her dumb memories of that ended day  
Sacred to Freedom, glorified by death,  
She turned her holiest page in more exalted faith.

"In storm or sunshine this one thing is sure,  
And shall be through His everlasting years :—

The gift of God is destined to endure,"—  
So wrote she, "though ye take it e'en with tears,  
Heartbreak and agony and bloody sweat;  
They who have loved it once have never lost it yet."

It is her lesson still. Her slain sons sleeping  
A last long sleep, their battles all forgot,—  
Whom neither love nor prayers, nor any weeping  
Might bring back to the land where they are not,—  
Speak from the grave the message of their gain,  
That they are likewise free who slumber with the slain.

It is the lesson still that to the living  
Who gather 'neath her mantle's ample fold,  
She gives as one most worthy of her giving,—  
Better than fame, and finer far than gold,—  
The gift of God, that hath been and shall be,  
To know the eternal Truth, and knowing, to be free.

Freedom of thought, word, deed,—the wider scope,  
The nobler sense, the keener, deeper sight,  
The truer aim, the holier, higher hope,  
The more abundant strength, the loftier light,—  
All these are written fair for him to read  
Upon her open page, who learns her larger creed.

"The gift of God is Freedom." To the end  
God grant it be the lesson she shall teach,  
Until its echoes, circling earth, shall blend  
In one deep chorus of thought, deed and speech,—  
When all the peoples upon land or sea  
Shall know the Truth at last, and it shall make them free.